

HOUSE BILL NO. 720

INTRODUCED BY SINRUD

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LOCAL GOVERNMENTS TO REVIEW APPLICATIONS FOR DEVELOPMENT AND USE OF PROPERTY UNDER REGULATIONS IN EFFECT AT THE TIME THAT A COMPLETE SITE-SPECIFIC DEVELOPMENT PLAN IS SUBMITTED; AND PROVIDING ~~AN IMMEDIATE EFFECTIVE DATE~~ EXCEPTIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Legislative findings and purpose.** (1) The legislature finds that:

(a) it is necessary and desirable as a matter of public policy to:

(i) provide for reasonable certainty, stability, and fairness in the land use planning and regulatory process;

(ii) stimulate economic growth;

(iii) secure the reasonable investment-backed expectations of a landowner; and

(iv) foster cooperation between the public and private sectors in land use planning and regulation;

(b) the ability of a landowner to be certain of the applicable regulations and review procedures upon submitting ~~an~~ A COMPLETE application for local government approval of a site-specific development plan will preserve the prerogatives and authority of a local government with respect to land use matters;

(c) the establishment of regulatory certainty will promote the goals specified in this section in a manner consistent with Article II, sections 3, 17, and 29, of the Montana constitution that guarantees to each person the inalienable right to acquire, possess, and protect property AND THAT RECOGNIZES THE CORRESPONDING RESPONSIBILITIES and is a matter of statewide concern.

(2) It is the purpose of [sections 1 through 3] to:

(a) provide fair standards to protect the rights of a person who submits a development application to a local government WHILE RECOGNIZING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE PURPOSES OF DEVELOPMENT REVIEW; and

(b) require a local government to comply with these standards.

1 **NEW SECTION. Section 2. Definitions.** As used in [sections 1 through 3], the following definitions

2 apply:

3 (1) "Landowner" means an owner of a legal or equitable interest in real property. The term includes an
4 heir, a successor, or an assignee of the ownership interest.

5 (2) "Local government" means the governing body of a county, a municipality, or a consolidated
6 city-county that exercises planning or zoning authority. The term includes a board, commission, or agency of
7 the local government that has REVIEW OR approval authority of a site-specific development plan.

8 (3) "Property" means real property subject to land use regulation by a local government.

9 (4) (a) "Site-specific development plan" means a plan that has been submitted to a local government
10 by a landowner or the landowner's representative and that describes, with reasonable certainty, the type, density,
11 and intensity of use for a specific property. The plan may be in the form of but is not limited to an application or
12 plan for:

13 (i) a site plan;

14 (ii) a conditional or special use approval; or

15 (iii) any other land use approval designation used by a local government.

16 (b) The term does not include a request for a variance.

17
18 **NEW SECTION. Section 3. Local government regulations -- restrictions.** (1) Unless a specific

19 review process for an application is otherwise provided by law, the local government shall provide the applicant
20 with a written receipt showing the date and time that the site-specific development plan was first submitted to
21 the local government. ~~If a site-specific development plan is incomplete, the local government shall notify the~~
22 ~~applicant in writing as to what information is missing and required by a local regulation in existence at the time~~
23 ~~of the application. The notice must be sent within 5 working days of receipt of the site-specific development plan,~~
24 ~~and the applicant must be allowed at least 30 days within which to submit the missing information. THE LOCAL~~
25 GOVERNMENT SHALL ESTABLISH, BY ORDINANCE OR RESOLUTION, A COMPLETENESS REVIEW PROCESS, INCLUDING TIME
26 PERIODS WITHIN WHICH TO DETERMINE WHETHER THE APPLICATION CONTAINS ALL OF THE INFORMATION REQUIRED BY
27 THE LOCAL GOVERNMENT'S ORDINANCES, RESOLUTIONS, OR OTHER REGULATIONS, AND SHALL NOTIFY THE APPLICANT
28 OF THE LOCAL GOVERNMENT'S DETERMINATION AS TO WHETHER OR NOT THE APPLICATION IS COMPLETE. If the applicant
29 fails to submit the missing information within ~~the 30-day~~ ANY APPLICABLE time period, the local government may
30 deny approval of the site-specific development plan as an incomplete submission. A DETERMINATION THAT A

1 SITE-SPECIFIC DEVELOPMENT PLAN IS COMPLETE UNDER THIS SECTION DOES NOT LIMIT THE ABILITY OF THE LOCAL
2 GOVERNMENT TO REQUEST ADDITIONAL INFORMATION DURING THE REVIEW PROCESS.

3 (2) ~~The~~ EXCEPT AS PROVIDED UNDER 76-2-206 OR 76-2-306 AND OR UNLESS OTHERWISE AGREED TO IN
4 WRITING BY THE APPLICANT, THE review and approval, approval with conditions, or denial of the site-specific
5 development plan must be based solely upon the ~~growth policy~~; ordinances; and regulations in effect at the time
6 that the COMPLETE site-specific development plan was ~~first~~ submitted to the local government ENTITY THAT HAS
7 JURISDICTION OVER THE APPLICATION. NOTHING IN THIS SUBSECTION AFFECTS THE ABILITY OF A LOCAL GOVERNMENT
8 TO DEVELOP AND IMPOSE CONDITIONS ON A SITE-SPECIFIC DEVELOPMENT PLAN AS OTHERWISE PROVIDED BY LAW OR BY
9 LOCALLY ADOPTED ORDINANCES OR REGULATIONS.

10
11 NEW SECTION. Section 4. Codification instruction. [Sections 1 through 3] are intended to be
12 codified as an integral part of Title 7, and the provisions of Title 7 apply to [sections 1 through 3].

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14 ~~NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.~~

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